

## **REMARKS**

Claims 5 and 31 have been amended to remove the typographical errors, and claims 1 and 26 have been amended to further clarify the invention. Claims 1-31 are pending in the present application.

### **Office Action of May 22, 2006**

Applicants have carefully reviewed and considered the Office Action of May 22, 2006. Applicants hereby request entry of this Response and further consideration of the present application in view of the following remarks.

In the Office Action, claims 1-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over “Pick 3” and “Pick 4” games implemented by Illinois State Lottery Department (Illinois Lottery). Applicants respectfully traverse these grounds of rejection and request reconsideration thereof in view of the following remarks.

### **Rejection under 35 U.S.C. §103(a)**

#### **Claim 1**

The Office Action rejected claim 1 under 35 U.S.C. §102(b) as being unpatentable over Illinois Lottery. The Office Action stated that Illinois Lottery discloses a game method that accepts entry from a plurality of players, wherein each entry comprises of predetermined number of entry numbers to be picked by the players. The state determines the outcome of the lottery games by drawing or selecting random winning numbers, and comparing the drawing numbers with the entry numbers picked by the players to determine whether each entry is a winning entry. The Office Action further stated that it would have been obvious matter of design choice to a person of ordinary skill in the art to have drawing the multi-digit numbers being independently determined by different lottery jurisdiction. The Office Action further stated that the scope of the game is to compare the numbers picked up by the player and compare them to the winning number drawn by the lottery game jurisdiction and having multiple independent lottery jurisdiction drawing numbers does not change the scope of the game. Applicants disagree with these statements in the Office Action and traverse the rejection.

“To support the conclusion that the inventor claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teaching of the references,” Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), cited by MPEP 706.02(j). The Office Action failed to do so. The Office Action stated without providing any supporting evidence that “it would have been obvious matter of design choice” to have drawing the multi-digit numbers being independently determined by different lottery jurisdiction. The Office Action further reduced the claimed invention to a number comparison game, discarding the advantages of the novelty a lottery game to a player.

Applicants respectfully submit that, in essence, the majority, if not all, of lottery games include number comparison, for example, “Pick 3,” “Pick 4,” “Mega Millions,” etc.; however, these lottery games are significantly different from each other and attract different players because their different implementation.

To clarify the novelty of the present invention, Applicants amended claim 1 to further clarify the present game in view of Illinois Lottery. Amended claim 1 is directed to a lottery game wherein the outcome of the lottery game is determined by a selection of a predetermined number of drawing numbers and each drawing number being independently determined by a different lottery game jurisdiction, with the lottery game jurisdiction selected by a player. The amendment is fully supported by the specification ([0068]).

“Pick 3” and “Pick 4” games implemented by Illinois Lottery do not disclose, either singly or in combination, the features of comparing the numbers chosen by a player with numbers drawn by different and independent lottery game jurisdictions, nor disclose different lottery game jurisdictions being selected by the player. These features in the present invention are novel, useful, and non-obvious.

In order to render a claim obvious, the cited references must disclose or suggest all elements of the claim (MPEP §2142). Because Illinois Lottery does not disclose the element of comparing the numbers chosen by a player with numbers drawn by different and independent lottery game jurisdictions nor the element of

different lottery game jurisdictions being selected by the player, Illinois Lottery cannot render claim 1 obvious. Therefore, Applicants submit claim 1 is patentable over Illinois Lottery and allowance thereof is requested.

Claims 2-4, 6-11, 13-16, and 18-25

The Office Action rejected claims 2-4, 6-11, 13-16, and 18-25 as being unpatentable over Illinois Lottery. Applicants traverse the rejections.

Claims 2-4, 6-11, 13-16, and 18-25 depend from claim 1 and further add steps to the method of claim 1. Therefore, Applicants submit that claims 2-4, 6-11, 13-16, and 18-25 are patentable over the cited reference for at least reasons stated above with respect to the patentability of claim 1, and the allowance thereof is requested.

Claim 12

The Office Action stated that the structure of "Pick 3" and "Pick 4" is capable of performing the intended use of claim 12, therefore, that the Illinois Lottery renders claim 12 unpatentable. Applicants traverse the rejection and disagree with the Examiner's interpretation.

"Pick 3" and "Pick 4" are played independently. A player either chooses three numbers to play "Pick 3" or chooses four numbers to play "Pick 4." The player cannot have a single ticket that has one entry with one three-digit number for "Pick 3" and one four-digit number for "Pick 4."

In contrast, claim 12 states that "at least one of the multi-digit entry numbers comprises a different number of digits than the other multi-digit entry numbers." In claim 12, it is possible to have an entry with one three-digit number for "Pick 3," for example, while other entries have four-digit numbers for "Pick 4," for example.

Therefore, in view that Illinois Lottery does not disclose that "at least one of the multi-digit entry numbers comprises a different number of digits than the other multi-digit entry numbers," the Illinois Lottery cannot render claim 12 obvious and Applicants respectfully request the rejection be withdrawn and claim 12 allowed.

### Claim 26

The Office Action rejected claim 26 under 35 U.S.C. §102(b) as being anticipated by Illinois Lottery. Applicants traverse the rejection.

As stated above with respect to the patentability of claim 1, Illinois Lottery does not disclose selecting drawing numbers that have been independently determined by other organizations and these organizations being selected by a player, and therefore, Illinois Lottery cannot render claim 26 obvious (MPEP §2142). Therefore, Applicants submit amended claim 26 is patentable over Illinois Lottery and allowance thereof is requested.

### Claims 27 and 29

The Office Action rejected claims 27 and 29 as being unpatentable over Illinois Lottery. Applicants traverse these rejections.

Claims 27 and 29 depend from independent claim 26 and further add steps to the method of claim 26. Therefore, Applicants submit that claims 27 and 29 are patentable over the cited reference for at least reasons stated above with respect to the patentability of claim 26, and the allowance thereof is requested.

### Claims 5, 17, and 31

The Office Action rejected claims 5, 17 and 31 as being unpatentable over Illinois Lottery. Applicants traverse the rejection.

The Office Action re-stated the reason for the rejection stated previously in the last Office Action, which is that it would have been obvious matter of design choice to a person of ordinary skill in the art to have a plurality of states to select the winning numbers. The Applicants disagree.

Applicants hereby restate the reason supporting the patentability of these claims previous stated in the last Response, and further state that in order to render a claim obvious, the cited references must disclose or suggest all elements of the claim (MPEP §2142). Applicants submit that Illinois Lottery failed to disclose or provide any suggestion or motivation to provide all elements of claims 5, 17 and 31; therefore,

Applicants submit that claims 5, 17 and 31 are patentable over the cited reference, and the allowance thereof is requested.

Claims 28 and 30

The Office Action rejected claims 28 and 30 as being unpatentable over Illinois Lottery. Applicants traverse the rejections.

Claims 28 and 30 depends from independent claim 26 and further adds steps to the method of claim 26. Therefore, Applicants submit that claims 28 and 30 are patentable over the cited reference for at least reasons stated above with respect to the patentability of claim 26, and the allowance thereof is requested.

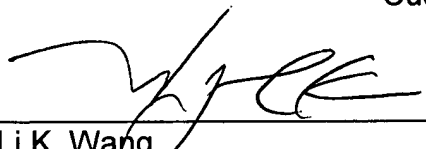
Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that Claims 1-31 as amended are in condition for allowance and entry of the present amendment and notification to that effect is earnestly requested. If necessary, the Examiner is invited to telephone Applicant's attorney (404-815-3383) to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested to Deposit Account No. 03-0683.

Respectfully submitted,  
Lathrop et al.  
By their Representatives,

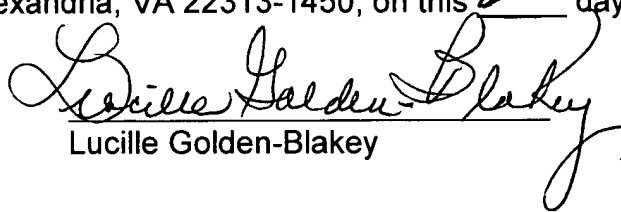
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9/6/06

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, Alexandria, VA 22313-1450, on this 6<sup>th</sup> day of August, 2006.

  
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Lucille Golden-Blakey